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Attorneys for Defendants/Counterclaim and  
Cross-Claim Plaintiffs GRANITE STATE INSURANCE  
COMPANY AND NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA.

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

FOREMOST SIGNATURE INSURANCE  
COMPANY, a Michigan corporation duly  
licensed to sell and administer insurance  
in The State of Nevada,

Plaintiff,

v.

GMUENDER ENGINEERING, LLC, a  
Nevada limited liability company; JOSEF  
C. GMUENDER and JANE DOE  
GMUENDER, husband and wife; MARY  
E. GMUENDER and JOHN DOE  
MUENDER, husband and wife; WILLIAM  
HUBER, parent and guardian of Ashley  
Huber and Taylor Huber, individually and  
as surviving children of Kelly Huber,  
deceased; GRANBY REALTY  
HOLDINGS, LLC, a Colorado limited  
liability company; GRANITE STATE  
INSURANCE COMPANY, an Illinois  
corporation; NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH PA, a Pennsylvania  
corporation,

Defendants.

Case No. 3:19-cv-00508-MMD-LH

**JOINT STIPULATION OF  
DISMISSAL, WITHOUT PREJUDICE**

JOINT STIPULATION OF DISMISSAL, *WITHOUT PREJUDICE*

**JOINT STIPULATION OF DISMISSAL, WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), by and between the undersigned attorneys of record for the parties having appeared in this lawsuit, including Plaintiff/Counterclaim Defendant, Foremost Signature Insurance Company ("Foremost"); Defendants/Counterclaim and Crossclaim Plaintiffs Granite State Insurance Company ("Granite State") and National Union Fire Insurance Company of Pittsburgh, PA ("National Union"); and, Crossclaim Defendants, Gmuender Engineering, LLC and Josef C. Gmuender (collectively, Gmuender"), which now hereby stipulate as follows:

1. The parties have reached a compromised resolution in the captioned lawsuit.

2. The compromise reached between Foremost, Granite State and National Union is memorialized in a written agreement entitled "SETTLEMENT AGREEMENT AND RELEASE." This Joint Stipulation of Dismissal without Prejudice is entered pursuant to, and in reliance upon, that Agreement.

3. All claims asserted by Foremost against Granite State and National Union are dismissed, *without prejudice*.

4. All counterclaims asserted by Granite State and National Union in the above captioned lawsuit against Foremost are dismissed, *without prejudice*.

5. All crossclaims asserted by Granite State and National Union in the above captioned lawsuit against Gmuender are dismissed, *without prejudice*.

6. All crossclaims asserted by Granite State and National Union in the above captioned lawsuit against non-appearing parties are also dismissed, *without prejudice*.

7. Pursuant to the foregoing and the December 7, 2020 Order entering judgment in favor of Foremost against Gmuender [ECF No. 68] all claims in this matter as between the appearing parties are now resolved and this matter may be administratively closed.

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8. Each of the Parties hereto shall bear its own costs and attorneys' fees incurred in the above captioned lawsuit.

Dated: December 14, 2020

By: /s/ Jeffrey N. Labovitch  
Jeffrey N. Labovitch  
jlabovitch@nicolaidesllp.com  
NICOLAIDES FINK THORPE  
MICHAELIDES SULLIVAN LLP  
4250 Executive Square, Suite 540  
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Attorney Defendants/Counterclaim and  
Cross-Claim Plaintiffs Granite State  
Insurance Company and National Union  
Fire Insurance Company of Pittsburgh, Pa.

Dated: December 14, 2020

By: /s/ Gena L. Sluga  
Gena L. Sluga  
CHRISTIAN, KRAVITZ, DICHTER,  
JOHNSON & SLUGA, LLC  
Attorney for Plaintiff Foremost Signature  
Insurance

Dated: December 14, 2020

By: /s/ Mark D. Tokunaga  
Mark D. Tokunaga  
LAURIA TOKUNAGA GATES & LINN, LLP  
Attorney for Defendants Gmuender  
Engineering, LLC and Josef C. Gmuender

**Statement of Authority to File**

I attest that all signatories on this document and on whose behalf the filing is submitted concur in the filing's content and have authorized the filing of this document.

Dated: December 14, 2020

By: /s/ Jeffrey N. Labovitch  
Jeffrey N. Labovitch

**ORDER**

**GOOD CAUSE SHOWN, IT IS SO ORDERED.**

Dated: December 14, 2020

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

Chief U.S. District Judge Miranda M. Du